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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,890	04/01/2005	Felice Quadrio	50174-00001	9848
25231 7590 05/23/2008 MARSH, FISCHMANN & BREYFOGLE LLP 3151 SOUTH VAUGHN WAY SUITE 411 AURORA, CO 80014				
EXAMINER				
HUJAZ, OMAR F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/508,890

Applicant(s)

QUADRIO, FELICE

Examiner

OMAR HIJAZ

Art Unit

4165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CIS)
Paper No(s)/Mail Date 04/01/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-27 are pending and have been considered below.

Specification

1. The disclosure is objected to because of the following informalities: "seat 28" (page 11, line 10) should be replaced with "seat 38"; "outer portion 24" (page 13, line 1) should be replaced with "outer portion 24a";

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites "the abutment element of the basic module comprises an appendage which extends inwardly relative to the expandable unit, the appendage having a plate, one end of which is fixed to the appendage, and a contact portion" (page 2, lines 11-13). From this recitation it is unclear whether the "contact portion" is a part of the "basic module" or the "extractable module", however from the specification, the

"contact portion" is part of the "extractable module" (figure 12, 56a) not the "basic module".

Similarly, claim 4 recites "the abutment element of the extractable module comprises an appendage which extracts outwardly relative to the expandable unit for a distance such as to interact with the appendage of the abutment element" (page 2, lines 14-16). From the second recitation of the "abutment element", it is unclear whether the "abutment element" is a part of the "extractable module" or the "basic module", however from the specification, the "abutment element" referred to is a part of the "basic module" (figure 12, 54).

In addition, claim 4 continues to recite "the appendage having a contact portion which can interact with the plate of the abutment element" (page 2, lines 16-17). From this recitation it is unclear whether "the appendage" is referring to the "basic module" or the "extractable module", however from the specification, "the appendage" is referring to the "extractable module" (figure 12).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 10-15, 17-18, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bersani (US Patent No. 5,170,901).

As per claim 1, Bersani teaches an expandable unit in particular for houses or offices, produced in the form of a container (1), wherein it comprises a basic module provided with at least one roof supported by uprights (figure 1), and at least one extractable module (11) operatively associated with the basic module so as to translate relative thereto (this internal structure moveable along a path, between an inserted position, situated inside the container, and an extended position, abstract), the extractable module comprising a base and a roof (figure 1) which are parallel to the roof of the basic module and side walls which connect the base and the roof so as to form a parallelepiped (col. 4 lines 38-41), open on one side corresponding to the side that is inside the basic module (col. 5 lines 30-32).

As per claim 2, Bersani teaches the basic module comprises on at least one side, an abutment element (75), and in which the extractable module comprises, on at least one side, an abutment element (55) which can interact with the abutment element of the basic module in the expanded position of the expandable unit (figure 7).

As per claim 3, Bersani teaches the abutment element of the basic module comprises an appendage which extends inwardly relative to the expandable unit (figure 7), the appendage having a plate, one end of which is fixed to the appendage (54), and a contact portion (56).

As per claim 4, Bersani teaches the abutment element of the extractable module comprises an appendage which extends outwardly relative to the expandable unit (figure 7) for a distance such as to interact with the appendage of the abutment element (75), the appendage having a contact portion (56) which can interact with the plate of

the abutment element (54) to achieve electromagnetic impermeability between the basic module and the extractable module, and a sealing element which can adhere to the contact portion of the abutment element (53) in order to achieve impermeability to water between the basic module and the extractable module.

As per claim 5, Bersani teaches means for bearing on the ground are provided, disposed in the vicinity of the corners of the expandable unit (wheels, figure 1).

As per claim 6, Bersani teaches means for bearing on the ground are mounted on a frame of the expandable unit so as to be pivotable about an axis (wheels are capable of pivoting about an axis, figure 1).

As per claim 10, Bersani teaches two extractable modules are provided, disposed on opposite sides of the basic module (figure 10).

As per claim 11, Bersani teaches the basic module comprises means for engagement on basic modules or on extractable modules forming part of adjacent expandable units (figure 1).

As per claim 12, Bersani teaches the extractable module comprises means for engagement on basic modules or on extractable modules forming part of adjacent expandable units (figure 1).

As per claim 13, Bersani teaches the extractable module comprises at least two portions slidable relative to one another (the construction element comprises rolling means allowing displacement of the internal structure(s) along their path, col. 3 lines 30-31).

As per claim 14, Bersani teaches the extractable module comprises an outer portion comprising the roof, the side walls, and the base of the extractable module, defining a parallelepiped that is open on two facing sides (figure 10).

As per claim 15, Bersani teaches an inner portion comprising the side wall which defines a side wall of the expandable unit in the contracted configuration, a roof, a base, and connecting side walls between the base and the roof (figure 1).

As per claim 17, Bersani teaches the inner portion comprises an abutment element disposed on the edge that is inside the expandable unit and extending outwardly relative to the expandable unit (55), the abutment element being able to interact with an abutment element of the outer portion (75) when the expandable unit is in the expanded condition (in the extended position of the internal structure, col. 8 line 4).

As per claim 18, Bersani teaches guides are provided between the extractable module and the basic module (parallel rolling tracks provided on the bottom wall of the internal structure, col. 3 lines 38-41).

As per claim 25, Bersani teaches further guides are provided and permit relative translation between of the two portions (the construction element comprises rolling means allowing displacement of the internal structure(s), the rolling means may also comprise at least two parallel rolling tracks, col. 3 lines 30-41).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bersani (US Patent No. 5,170,901) in view of Kovesy (International Publication WO 95/00419).

As per claim 7, Bersani fails to disclose a recess for housing the means for bearing on the ground, in a retracted position.

Kovesy discloses retractable leg members which move into and from its housing (page 4, line 38).

Therefore from the teaching of Kovesy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container with the means for bearing on the ground of Bersani to include retractable members which move into and from its housing as taught by Kovesy since this will allow for the quick and efficient movement of a container (page 1, lines 10-11).

As per claim 8, Bersani fails to disclose at least one electromechanical cylinder, with the piston of which a support foot of the expandable unit is associated.

Kovesy discloses extendible and retractable rams (cylinders) powered by electric motor and hydraulic pressure (page 6, lines 1-8) which are readable on the broadly recited electro-mechanical cylinder.

Therefore from the teaching of Kovesy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container with the means for bearing on the ground of Bersani to include extendible and retractable legs powered by electro/hydraulic ram/cylinders as taught by Kovesy since this can be used effectively on ground surfaces which are not level (page 2, lines 14-18).

8. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bersani (US Patent No. 5,170,901) in view of Grass (US Patent No. 5,348,386).

As per claim 9 Bersani fails to disclose the extractable module comprises a base provided with at least a first portion and a second portion connected to one another by hinges.

Grass discloses a drawer with a back wall coupled in a hinge-like manner to the drawer bottom (abstract, lines 5-6).

Therefore from the teaching of Grass, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container of Bersani to include a base and wall hinged together as taught by Grass for transport purposes, to reduce the amount of room which the unit takes up (abstract, lines 3-4).

As per claim 16, Bersani fails to disclose the extractable module comprises an inner portion comprising at least a first portion and a second portion connected to one another by hinges.

Grass discloses a drawer with a back wall coupled in a hinge-like manner to the drawer bottom (abstract, lines 5-6).

Therefore from the teaching of Grass, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container of Bersani to include a base and wall hinged together as taught by Grass for transport purposes, to reduce the amount of room which the unit takes up (abstract, lines 3-4).

9. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bersani (US Patent No. 5,170,901) in view of Weng (US Patent No. 6,378,968).

As per claim 19, Bersani fails to disclose each guide comprises a tubular element associated with the extractable module and a seat fixed firmly to the roof of the basic module for housing the tubular element.

Weng discloses a sliding track assembly with an inner slide rail positioned in a middle slide rail and shaped as a hollow rectangular body (col. 3, lines 54-55).

Therefore from the teaching of Weng, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the rail assembly of Bersani with the track assembly as taught by Weng as an obvious alternative slide structure which facilitates pushing and pulling of the assembly (col. 1, lines 14-15).

As per claim 20, Weng teaches the tubular guide element.

As per claim 21, Weng teaches a sliding track assembly with at least 4 points of contact (figures 3 and 8).

As per claim 22, Weng teaches inclined surfaces which define regions of contact between the inner and outer rails (figure 8).

As per claim 23, Weng teaches inclined surfaces which define upper and lower regions of contact between the inner and outer rails (figure 8).

As per claim 24, Weng teaches spherical balls housed between the inner and outer rails (figure 8).

10. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bersani (US Patent No. 5,170,901) in view of Sergienko (Foreign Patent SU 1253610 A1).

As per claim 26, Bersani fails to disclose further guides comprise wheels coupled with a cross-member.

Sergienko discloses a roller guide comprising guides with wheels on opposite sides of a cross member (figure 2).

Therefore from the teaching of Sergienko, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the rail assembly of Bersani with the roller guides taught by Sergienko as an obvious alternative slide structure which improves the stability of the assembly (Derwent abstract).

As per claim 27, Sergienko teaches a roller guide with wheels that are grooved interacting with a cross member that is V-shaped (figure 1).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,237,784, Ros, Shelter Container Fit For Habitation With Extendible Inner Volume, Aug. 24, 1993.

U.S. Pub. No. US2003/0213185A1, Findley, Drop-Down, laterally Expanding, Stressed Structure Trailer, Feb. 11, 2003 with provisional application No. 60/357,490, Feb. 14, 2002.

U.S. Pub. No. US2001/0008059A1, McManus et al., Retractable Room Support Mechanism, Mar. 12, 2001.

U.S. Patent No. 5,732,839, Schimmang et al., Container, Mar. 31, 1998.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 7:30 a.m. - 5:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571)270-5789. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4165

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRADLEY KING/
Primary Examiner, Art Unit 3683

OH